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Civil Rights Department Affirms Right To File Complaints Without Retaliation

Lansing, MI – The Michigan Department of Civil Rights (MDCR) released the following statement today in response to a report issued last Wednesday by the Judicial Tenure Commission (JTC) recommending the suspension of Lansing Judge Beverly Nettles-Nickerson.

“While neither the Commission nor Department has any current involvement or legal interest in the matter involving Judge Nettles-Nickerson, it is imperative to clarify that the legal right of Michigan residents and visitors to file complaints with the Michigan Department of Civil Rights is protected. Both the Elliott-Larsen and Persons With Disabilities Civil Rights Acts explicitly provide protection from acts of retaliation for civil rights activity, including filing a complaint with MDCR.

It is our sincere hope that the JTC did not intend to imply that Judge Nettles-Nickerson should be disciplined in any way for exercising her right to file a civil rights complaint if she believed that she was being subjected to illegal discrimination. A suspension for filing an allegation of illegal discrimination would violate state and federal civil rights laws designed to protect those who stand up against discrimination from any acts of retaliation. Such a message from a legal authority would have a chilling effect on the state’s ability to protect persons who legitimately believe they may be victims of illegal discrimination.

While we take no position on the veracity of any fact claimed by any party in this matter, we ask the Judicial Tenure Commission to amend its complaint to clarify that they are not seeking to discipline Judge Nettles-Nickerson for the act of filing her complaint with the Michigan Civil Rights Commission and Department.

We further call upon the Supreme Court and any appointed Special Master to clarify that, regardless of what decision they may ultimately reach in this matter, their ruling is in no way predicated upon the protected act of filing a complaint with the Michigan Department of Civil Rights.

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